

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DESIGN BASICS, L.L.C.,)	CASE NO. 8:13-CV-00125
)	
Plaintiff,)	
)	
vs.)	ORDER GOVERNING
)	ELECTRONIC DISCOVERY
CARHART LUMBER COMPANY; SCOTT)	
BRIAN CARHART; BRENDA KUHLMAN)	
CARHART; WILLIAM C. CARHART; and)	
MICHAEL HERBOLSHEIMER,)	
)	
Defendants.)	

ORDER

Consistent with the parties' agreements as set forth in the planning conference report submitted pursuant to Fed. R. Civ. P. 26(f), electronically stored information (ESI) in this case will be handled as follows:

(i) All discoverable architectural drawings existing as ESI (e.g. .CAD or comparable or analogous formats) shall be produced in original native format on DVD, flash drive, or other storage device.

(ii) All discoverable email and other electronic documents, presentations, and spreadsheets (e.g., .EML, .DOC, .WPD, .XLS, .PPT or comparable or analogous formats) shall be produced in native format existing as ESI. In the case of email, this means the production shall be in the native email file, such as .NSF, .PST, or .OST. In instances in which the native format is proprietary and cannot be read without the source program, the party requesting the production will have the option of having the information produced in native format, or in TIFF or PDF files. If such ESI must be produced in TIFF or PDF, the load file shall contain basic metadata fields including, at a minimum, fields for the following:

All Files: File Name, File Path, File Size, Hash (native only)

Metadata – Email: From; To; CC; BCC; Subject; Header;

Date Sent; Date Received; Has; Attachments;

Attachment Count; Attachment Names; Folder, Custodian

Metadata – All other Electronic Files: File Extension; Date

Created; Date Modified; Title; Subject; Author;

Company; Category; Keywords; Comments, Custodian

The ESI shall be produced on DVD, flash drive, or other storage device.

(iii) Discoverable documents existing in paper form (irrespective of whether it is claimed that duplicates exist in electronic form) after inspection by counsel, shall be produced as paper copies in the same size and color as the original. In such instances, the production shall include copies of file labels or other information which could assist in identifying how and where such documents were kept in the ordinary course of business.

(iv) With respect to (ii) and (iii) above, the parties do not presently anticipate that complete metadata for such documents will be generally relevant. However, in the event one or more of believe that such information is desired, the parties agree to maintain backup copies of the ESI and to make available electronic copies of such documents in a forensically reliable fashion, with metadata intact, upon reasonable request.

(v) The parties have created forensic images of the hard drives of all persons believed to have discoverable documents and shall preserve such images pending the final judgment in this litigation.

Dated: September 3, 2013.

United States Magistrate Judge